APPENDIX A

UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY,	) Nos. 98-16128) 98-16139) 98-16375
Plaintiff-Appellee,	) DC# CV-89-4030) DLJ) Northern California
v.	)
CALIFORNIA STATE BOARD OF EQUALIZATION	) ORDER
Defendant-Appellant,	
FRESNO COUNTY; et al.,	
Defendants.	

Before: FARRIS, BRUNETTI and SILVERMAN, Circuit Judges

Appellee's motion to consolidate is granted. Accordingly, the Clerk shall consolidate appeal nos. 98-16128, 98-16139 and 98-16375.

Appellee's unopposed motion for summary affirmance of these consolidated appeals is granted. *See* 9th Cir. Rule 3-6(a). The district court judgment is affirmed.

The parties' joint motion to modify the briefing schedule is denied as moot.

AFFIRMED

JUDGMENT

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 98-16128
CT/AG#: CV-89-04030-DLJ

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

Plaintiff - Appellee

v

CALIFORNIA STATE BOARD OF EQUALIZATION

Defendant - Appellant

and

FRESNO COUNTY; KERN COUNTY; KINGS COUNTY; LOS ANGELES COUNTY; MADERA COUNTY, ALAMEDA COUNTY, MERCED COUNTY, TULARE COUNTY, ORANGE COUNTY, RIVERSIDE COUNTY, SAN BERNARDINO COUNTY, SAN DIEGO COUNTY, SAN FRANCISCO CITY AND COUNTY, SAN JOAQUIN COUNTY, STANISLAUS COUNTY; ALAMEDA COUNTY; CONTRA COSTA COUNTY; MERCED COUNTY; ORANGE COUNTY; COUNTY OF RIVERSIDE; COUNTY OF SAN BERNARDINO; COUNTY OF SAN DIEGO; SAN FRANCISCO COUNTY; COUNTY OF SAN JOAQUIN; STANISLAUS COUNTY: TULARE COUNTY

Defendants

NO. 98-16139
CT/AG#: CV-95-03532-DLJ

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY

Plaintiff - Appellee

CALIFORNIA STATE BOARD OF EQUALIZATION

Defendant - Appellant

and

FRESNO COUNTY; KERN COUNTY; KINGS COUNTY; LOS ANGELES COUNTY; MADERA COUNTY, ALAMEDA COUNTY, MERCED COUNTY, TULARE COUNTY, ORANGE COUNTY, RIVERSIDE COUNTY, SAN BERNARDINO COUNTY, SAN DIEGO COUNTY, SAN FRANCISCO CITY AND COUNTY, SAN JOAQUIN COUNTY, STANISLAUS COUNTY; ALAMEDA COUNTY; CONTRA COSTA COUNTY; MERCED COUNTY; ORANGE COUNTY; COUNTY OF RIVERSIDE; COUNTY OF SAN BERNARDINO; COUNTY OF SAN DIEGO; SAN FRANCISCO COUNTY; COUNTY OF SAN JOAQUIN; STANISLAUS COUNTY; TULARE COUNTY

Defendants

NO. 98-16375
CT/AG#: CV-81-04365-DLJ

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY TRAILER TRAIN COMPANY

Plaintiffs - Appellees

CALIFORNIA STATE BOARD OF EQUALIZATION

Defendant - Appellant

and

FRESNO COUNTY; KERN COUNTY; KINGS COUNTY; LOS ANGELES COUNTY; MADERA COUNTY, ALAMEDA COUNTY, MERCED COUNTY, TULARE COUNTY, ORANGE COUNTY, RIVERSIDE COUNTY, SAN BERNARDINO COUNTY, SAN DIEGO COUNTY, SAN FRANCISCO CITY AND COUNTY, SAN JOAQUIN COUNTY, STANISLAUS COUNTY; CONTRA COSTA COUNTY; ALAMEDA COUNTY; MERCED COUNTY; ORANGE COUNTY; COUNTY OF RIVERSIDE; COUNTY OF SAN BERNARDINO; COUNTY OF SAN DIEGO; SAN FRANCISCO COUNTY; COUNTY OF SAN JOAQUIN; STANISLAUS COUNTY; TULARE COUNTY

Defendants

APPEAL FROM the United States District Court for the Northern District of California (San Francisco).

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Northern District of California (San Francisco) and was duly submitted

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED.

Filed and entered November 13, 1998